

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JACKSON WOMEN'S HEALTH
ORGANIZATION, on behalf of itself and its
patients, et al**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:12CV436-DPJ-FKB

**MARY CURRIER, M.D., M.P.H., in her
official capacity as State Health Officer of
the Mississippi Department of Health, et al.**

DEFENDANTS

DEFENDANTS' RESPONSE TO MOTION TO LIFT STAY

COME NOW Defendants, Mary Currier and Robert Schuler Smith, in their official capacities, and respectfully respond to Plaintiffs' Motion to Lift Stay [Doc. 166] as follows, to-wit:

Defendants agree that it is appropriate for the stay to be lifted. However, the positions of the parties as to what discovery remains to be completed are not totally in accord. Therefore, the parties have conferred and are working in good faith to resolve any disagreement(s) and are hopeful that an agreed scheduling order may be presented to the Court in the very near future.

Based on the foregoing, Defendants respectfully request that the parties be permitted fourteen (14) days to resolve any disagreement(s) and submit a proposed agreed scheduling order to the Court, or, if the parties are unable to agree in good faith, each party should submit a proposed scheduling order within that same time period. Defendants also respectfully suggest that a telephonic status conference would be helpful to the parties.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court enter an order:

- a. Lifting the stay of discovery;
- b. Allowing the parties fourteen (14) days to resolve any disagreement(s) and submit a proposed agreed scheduling order to the Court, and that in the event that the parties are unable to agree in good faith, each party should submit a proposed scheduling order to the Court; and
- c. Setting a telephonic status conference to resolve any scheduling issues.

RESPECTFULLY SUBMITTED, this the 14th day of October, 2016.

MARY CURRIER, M.D., M.P.H., in her official capacity as State Health Officer of the Mississippi Department of Health, and ROBERT SHULER SMITH, District Attorney of Hinds County, Mississippi, DEFENDANTS

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STATE OF MISSISSIPPI**

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CERTIFICATE OF SERVICE

I, Paul E. Barnes, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I caused the above and foregoing document to be filed with the Clerk of the Court using the ECF electronic filing system which sent electronic notification of same to the following:

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THIS the 14th day of October, 2016.

s/ Paul E. Barnes

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